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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/718,861

11/21/2003

Diego Kaplan

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11/03/2006

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EXAMINER

SHEDRICK, CHARLES TERRELL

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/718,861	KAPLAN, DIEGO	
	Examiner	Art Unit	
	Charles Shedrick	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 14-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 20-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/21/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-13 and 20-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims **1-6 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shanahan 2004/0005880 A1 in view of Kamada US 2002/0123336 A1 and further in view of Landis et al. US Patent No.: 5,588,148, hereinafter, Landis.

Consider **claim 1**, Shanahan teaches a providing a connectivity toolkit to a wireless communication device coupled with a connectivity toolkit server via a wireless communication network (i.e., **paragraph 0008**), the method comprising: receiving a wireless data connection

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from a wireless communication device **31, 32** (i.e., see paragraph 0023 figures); and providing a menu of available connectivity toolkit utilities, wherein the menu is displayed on the wireless communication device (i.e., a list of files are provided for browsing etc.) (i.e., see **claims 1, 12, and 21**) (see also paragraphs **0025, 0030,0038,0039,0042,0046,0061**);

However, Shanahan does not specifically teach authenticating a user associated with the wireless communication device; obtaining profile information for the wireless communication device, the profile information comprising a data storage capacity of the wireless communication device and identification information for a portion of a server hosted data storage area associated with the wireless communication device

In the same field of endeavor, Kamada teaches authenticating a user associated with the wireless communication device (i.e., see **figure 9 and paragraph 0085**); obtaining profile information for the wireless communication device, the profile information comprising identification information for a portion of a server hosted data storage area associated with the wireless communication device (i.e., see at least paragraphs 0076 and 0077 and 0081. the profile information is necessary to correlate the dedicated storage area to a particular user wireless device.)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include authenticating a user associated with the wireless communication device for the purpose of security and providing and providing a dedicated storage area as taught by Kamada (i.e., see at least paragraphs 0083 and 0085).

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However, Kamada as modified by Shanahan does not specifically teach obtaining profile information for the wireless communication device, the profile information comprising a data storage capacity of the wireless communication device.

In analogous art, Landis teaches obtaining profile information for the wireless communication device, the profile information comprising a data storage capacity of the wireless communication device (i.e., in addition to entire specification see specifically col. 3 lines 43-65, col. 4 lines 65-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan as modified by Kamada to include obtaining profile information for the wireless communication device, the profile information comprising a data storage capacity of the wireless communication device for the purpose of optimization as taught by Landis in at least col. 3 line 55.

Consider **claim 2 and as applied to the method of claim 1**, Shanahan has modified by Kamada and further modified by Landis teaches the claimed invention further comprising: receiving a request for a directory listing; obtaining a list of files associated with the requesting user; and providing the list of files, wherein the list of files is displayed on the wireless communication device (**claims 1, 12, and 21**) (also see **paragraphs 0025, 0030,0038,0039,0042,0046,0061**).

Consider **claims 3 and as applied to the method of claim 2**, Shanahan has modified by Kamada and further modified by Landis teaches the claimed invention querying a file system on the connectivity toolkit server to determine a list of user files; and identifying a user file associated with the requesting user (**paragraph 0053**).

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Consider **claims 4, and 5 and as applied to the method of claim 1**, Shanahan has modified by Kamada and further modified by Landis teaches receiving a request to download a file (i.e., see **claim 1**), the request comprising a file identifier (i.e., the file identification is inherent in choosing the correct file); obtaining the file size of the requested file(i.e., in order to know the file size the file size is inherently obtained); comparing the file size to a predetermined threshold file size value(i.e., in order to determine if the file is too big or too small the file size is inherently compared to a threshold); and denying the request to download the file when the file size exceeds the predetermined threshold file size value (i.e., the user may be prompted to modify or cancel the information request, in any case the download is inherently denied as request until modified); and providing the requested file via the wireless network(i.e., see **paragraph 0040**).

Consider **claims 6 and as applied to the method of claim 1**, Shanahan has modified by Kamada and further modified by Landis teaches the claimed invention further comprising: receiving a request to upload an identified file (i.e., see **claim 1**), the request comprising a filename and a file size (i.e., in order to know the file size the file size is inherently obtained); comparing the file size to a predetermined threshold file size value (i.e., in order to determine if the file is too big or too small the file size is inherently compared to a threshold); approving the request to upload the file when the file size is smaller than the predetermined threshold file size value (i.e., the user may be prompted to modify or cancel the information request, in any case the upload is inherently denied as request until modified); and receiving the identified file via a wireless communication network(i.e., furthermore it is clear to one of ordinary skill in the art that an upload is simply the reversal of download and is simply a matter of duplicating operations at

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the reverse end of a transmission (i.e., claim 29).

Consider claim 21 and as applied to the method of claim 1, Shanahan as modified by Kamada teaches the claimed invention except wherein the profile information further comprises a communication speed of the wireless communication device.

However, in analogous art Landis teaches wherein the profile information further comprises a communication speed of the wireless communication device (i.e., in addition to entire specification see specifically col. 3 lines 43-65, col. 4 lines 65-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan as modified by Kamada to include wherein the profile information further comprises a communication speed of the wireless communication device for the purpose of optimization as taught by Landis in at least col. 3 line 55.

Claims 7-13, and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shanahan 2004/0005880 A1 in view of Kamada US 2002/0123336 A1.

A wireless connectivity toolkit system, comprising: a wireless connectivity toolkit server having a data storage area and a plurality of utility programs (i.e., see at least figure 1 and paragraphs 0021-0025), the toolkit server communicatively coupled with a wireless communication network (i.e., see at least figure 1 and paragraphs 0021-0025); a wireless communication device communicatively coupled with the wireless connectivity toolkit server via the wireless communication network (i.e., see at least figure 1 and paragraphs 0021-0025), wherein the wireless communication device establishes a session with the wireless connectivity toolkit server over the wireless communication network (i.e., see also paragraphs 0025,

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0030,0038,0039,0042,0046,0061), the session allowing execution of the utility programs on the wireless connectivity server and allowing access to a portion of the data storage area for the wireless device for loading files(i.e., see also paragraphs 0025, 0030,0038,0039,0042,0046,0061).

However, Shanahan does not specifically teach a reserved data storage area for the wireless communication device for uploading and downloading of files.

In analogous art, Kamada teaches a reserved data storage area for the wireless communication device for uploading and downloading of files (i.e., see at least paragraph 0081). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include a reserved data storage area for the wireless communication device for uploading and downloading of files for the purpose of improving upon the limited storage capacity as taught by Kamada in paragraph 0001.

Consider **claim 8 and as applied to wireless connectivity toolkit system of claim 7**, Shanahan as modified by Kamada teaches wherein the plurality of utility programs comprises a file transfer program (i.e., any suitable storage device containing computer programs or files, etc.

(paragraph 0024 or 0030)

Consider **claim 9 and as applied to wireless connectivity toolkit system of claim 8**, Shanahan as modified by Kamada teaches wherein the file transfer program facilitates the transfer of files between the wireless communication device and the wireless connectivity toolkit server (paragraph 0030).

Consider **claim 10 and as applied to wireless connectivity toolkit system of claim 7**, Shanahan as modified by Kamada teaches wherein the data storage area coupled with wireless

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connectivity server provides data storage for a plurality of wireless communication devices, the data storage accessible to the plurality of wireless communication devices via the wireless communication network (**paragraph 0024**).

Consider claim 11 and as applied to wireless connectivity toolkit system of claim 10, Shanahan teaches the claimed invention except wherein the network based data storage is provided to a wireless communication device for a fee.

However, in the same field of endeavor, Kamada teaches wherein the network based data storage is provided to a wireless communication device for a fee (**i.e., paragraph 0052 at least**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include wherein the network based data storage is provided to a wireless communication device for a fee as taught by Kamada for the purpose of revenue generation

Consider claim 12 and as applied to wireless connectivity toolkit system of claim 11, Shanahan teaches the claimed invention except wherein the fee is based on the total amount of data storage in use by the wireless communication device.

However, in the same field of endeavor, Kamada teaches wherein the fee is based on the total amount of data storage in use by the wireless communication device (**i.e., paragraph 0052 at least**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include wherein the fee is based on the total amount of data storage in use by the wireless communication device as taught by Kamada for the purpose of revenue generation

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Consider claim 13 and as applied to wireless connectivity toolkit system of claim 11, Shanahan teaches the claimed invention except wherein the fee is based on the total amount of data storage available for use by the wireless communication device.

However, in the same field of endeavor, Kamada teaches wherein the fee is based on the total amount of data storage available for use by the wireless communication device (**i.e., paragraph 0052 at least**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include wherein the fee is based on the total amount of data storage available for use by the wireless communication device as taught by Kamada for the purpose of revenue generation

Consider **claims 23 and 24**, Shanahan teaches a wireless connectivity toolkit system, comprising: a wireless connectivity toolkit server having a data storage area and a plurality of utility programs (i.e., see at least figure 1 and paragraphs 0021-0025), the toolkit server communicatively coupled with a first network and a second network (i.e., see paragraph 0023 and 0034), wherein the first network is a wireless communication network and the second network is a public network (i.e., see paragraph 0023 and 0034); a wireless communication device communicatively coupled with the wireless connectivity toolkit server via the first network (i.e., see paragraph 0023 and 0034), wherein the wireless communication device establishes a session with the wireless connectivity toolkit server over the first network (i.e., see at least figure 1 and paragraphs 0021-0025, and 0034), the session allowing execution of the utility programs and access to a portion of the data storage area for the wireless communication device (i.e., see also paragraphs 0025, 0030, 0038, 0039, 0042, 0046, 0061); and a network enabled

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device communicatively coupled with the wireless connectivity toolkit server via the second network(i.e., see at least figure 1 and paragraphs 0021-0025, and 0034), wherein the network enabled device establishes a session with the wireless connectivity toolkit server over the second network(i.e., see at least figure 1 and paragraphs 0021-0025, and 0034), the session allowing access to a portion of the data storage area for the wireless communication device(i.e., see at least figure 1 and paragraphs 0021-0025, and 0034).

However, Shanahan does not specifically teach a reserved data storage area for the wireless communication device.

In analogous art, Kamada teaches a reserved data storage area for the wireless communication device (i.e., see at least paragraph 0081).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include a reserved data storage area for the wireless communication device for the purpose of improving upon the limited storage capacity as taught by Kamada in paragraph 0001.

Consider **claim 25 and as applied to the method of claim 24**, Shanahan teaches the claimed invention except further comprising authenticating a user associated with the network enabled device prior to establishing the first session.

However, in analogous art Kamada teaches authenticating a user associated with the wireless communication device prior to establishing the first session (i.e., see **figure 9 and paragraph 0085**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include authenticating a user associated with the

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wireless communication device for the purpose of security and providing and providing a dedicated storage area as taught by Kamada (i.e., see at least paragraphs 0083 and 0085).

Consider **claim 26 and as applied to the method of claim 25**, Shanahan teaches the claimed invention except further comprising obtaining profile information associated with the authenticated user, the profile information comprising identification of a discrete portion of the data storage area reserved for the authenticated user.

In analogous art, Kamada teaches the profile information comprising identification of a discrete portion of the data storage area reserved for the authenticated user (i.e., see at least paragraphs 0076 and 0077 and 0081. the profile information is necessary to correlate the dedicated storage area to a particular user wireless device.)

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include a reserved data storage area for the wireless communication device for the purpose of improving upon the limited storage capacity as taught by Kamada in paragraph 0001.

Consider **claim 27 and as applied to the method of claim 24**, Shanahan teaches the claimed invention except further comprising authenticating a user associated with the network enabled device prior to establishing the second session.

However, in analogous art Kamada teaches authenticating a user associated with the wireless communication device prior to establishing the second session (i.e., **user must authenticate each 1st 2nd, 3rd time etc. to access information dedicated to the device see figure 9 and paragraph 0085**).

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include authenticating a user associated with the wireless communication device for the purpose of security and providing and providing a dedicated storage area as taught by Kamada (i.e., see at least paragraphs 0083 and 0085).

Consider **claim 28 and as applied to the method of claim 27**, Shanahan teaches the claimed invention except further comprising obtaining profile information associated with the authenticated user, the profile information comprising an identification of a discrete portion of the data storage area reserved for the authenticated user.

In the same field of endeavor, Kamada teaches authenticating a user associated with the wireless communication device (i.e., see **figure 9 and paragraph 0085**); obtaining profile information for the wireless communication device, the profile information comprising identification information for a portion of a server hosted data storage area associated with the wireless communication device (i.e., see at least paragraphs 0076 and 0077 and 0081. the profile information is necessary to correlate the dedicated storage area to a particular user wireless device.)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include authenticating a user associated with the wireless communication device for the purpose of security and providing and providing a dedicated storage area as taught by Kamada (i.e., see at least paragraphs 0083 and 0085).

Claim **22** is rejected under 35 U.S.C. 103(a) as being unpatentable over Shanahan 2004/0005880 A1 in view of Kamada US 2002/0123336 A1 and further in view of Landis et al. US Patent No.:

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5,588,148, hereinafter, Landis and further in view of Sugiyama et al. US patent Pub. No.:

2001/0053708 A1

Consider claim 22 and as applied to the method of claim 1, Shanahan as modified by Kamada and further modified by Landis teaches the claimed invention except wherein the providing step further comprises compressing the menu of available connectivity toolkit utilities, wherein the menu is uncompressed by the wireless communication device prior to being displayed.
uncompressed by the wireless communication device prior to being displayed.

However, Sugiyama teaches providing step further comprises compressing the menu of available connectivity toolkit utilities, wherein the menu is uncompressed by the wireless communication device prior to being displayed. uncompressed by the wireless communication device prior to being displayed (i.e., hierarchal items selection see paragraph 0008-0012 and figures).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan as modified by Kamada and further modified by Landis to include compressing the menu of available connectivity toolkit utilities, wherein the menu is uncompressed by the wireless communication device prior to being displayed.
uncompressed by the wireless communication device prior to being displayed for the purpose of simplifying operations as taught by Sugiyanna in paragraph 0007.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Alexander et al. US Patent 6,134,593

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Shedrick whose telephone number is (571)-272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid Lester can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Charles Shedrick
AU 2617
October 30, 2006


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